

However, Applicant's specific arguments have not been fully responded to in the final Office Action. For example, Applicant's argument that the only teaching of integrating a probe light into a Kelvin connection of a battery tester comes from the Applicant's own disclosure, has received no response.

The references cited in the final Office Action are as follows:

1. Bertness (U.S. Patent No. 6,316,914) is directed to testing parallel strings of storage batteries. Nothing in Bertness teaches or suggests using a torch or a probe light.
2. Applicant's background discusses separate lighting equipment such as a separate torch being utilized to illuminate a battery environment during battery testing.
3. Tinder et al. (U.S. Patent No. 4,826,273) is directed to a remote automotive indicator light system for a viewer.
4. Cardan (U.S. Patent 6,099,138) is directed to a probe for safely searching pockets for sharp or otherwise dangerous objects.
5. Karraam et al. (U.S. Patent No. 6,428,180) is directed to a compact, self-powered, selectively-mountable lighting unit that provides light directable by a user to an operation cite.
6. Cockeran (U.S. Application No. 2003/0169591) is directed to an underwater probe and illumination device.

In *In re Oetiker*, the Federal Circuit held that:

There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself. . . .

Oetiker's invention is simple. Simplicity is not inimical to patentability. *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Circ. 1992). (Emphasis Added.)

Claim 1 is directed to an electronic battery tester for testing a storage battery. Claim 1 features "a probe light configured to couple to at least one of the first and second Kelvin connections." The Kelvin connections are a part of the battery tester.

As noted in the response filed on January 6, 2006, the claimed invention eliminates a need, perceived by the prior art in the field of the invention (battery testers), for positioning a separate probe light while operating a battery tester. References 3 through 6, briefly described above, have nothing to do with battery testers and therefore are not in the field of the invention. References 1 and 2, as noted in the response filed on January 6, 2006, do not eliminate the need for positioning a separate probe light while operating a battery tester. Thus, Applicant respectfully submits that, by not meeting the requirements and MPEP section 2144.04 (included in the response filed on January 6, 2006) and *In re Oetiker*, the Office Action has not met the burden required to support the rejection of claims 1-27 under 35 U.S.C. §103.

Further, it is respectfully pointed out that the only teaching of integrating a probe light into a Kelvin connection of a battery tester comes from the Applicant's own disclosure, and nothing in the Office Actions has indicated any other source for this claim limitation. Thus, according to the case law cited above, pending claims 1-27 are non-obvious over the prior art and are allowable.

Applicants respectfully point out that the Office Action has not addressed the dependent claims. In general, the dependent claims set forth numerous elements not shown or suggested in the cited references. For example, claim 12, which depends from claim 1, features "the probe light is configured to receive power from the battery test circuitry." Nothing in the cited prior art


teaches or suggests anything about a probe light receiving power from battery test circuitry.

In view of the foregoing, and for reasons included in the response filed on January 6, 2006, Applicant respectfully requests reconsideration and allowance of claims 1-27. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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